

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SARAH MOLINA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No.: 4:17-cv-2498 AGF
)	
CITY OF ST. LOUIS, MISSOURI, et al.,)	
)	
Defendants.)	

Joint Response to Court Order

On September 6, 2019, this Court ordered that “the parties shall specifically identify the discovery disputes that have been resolved and what, if any, discovery disputes remain.” ECF No. 143. The parties address each dispute below.

1. Plaintiffs requested that the Court compel the City to produce relevant portions of personnel and unit files. ECF No. 88. The responsive records have been produced, and this discovery dispute is resolved.

2. Plaintiffs requested that the Court compel the City to produce emails from the police and nonpolice servers that are captured by certain search terms. ECF No. 88. On July 19, after negotiation, the parties agreed upon preliminary search terms, custodians, and search time periods through the end of the year 2015. On August 16, the City reported additional issues with the agreed-upon searches. On August 22, the parties agreed to modify the search procedures. The City states it will produce this set of emails and a privilege log by September 25. Plaintiffs have not received any emails since the filing of the first motion to compel and, thus, are not yet in a position to evaluate whether the searches were adequate or any withheld emails were appropriately withheld. Moreover, to date, the City has not searched for or produced any

responsive emails from after 2015. Plaintiffs maintain that post-2015 email searches are relevant to their *Monell* claim; Defendants maintain they are not. This dispute is unresolved.

3. Plaintiffs requested the Court compel the City to produce records responsive to Request Number 19 of Plaintiffs' Third Requests for Production. ECF No. 121. These records would include relevant I/LEADS reports, Officer Assault Segments, and documents used in or produced for Critical Incident Reviews. The City has represented that there are no responsive records, so this discovery dispute is resolved.

4. Plaintiffs requested that this Court compel Defendant Coats to produce contextual information related to a social media post. ECF No. 121. Defendant Coats produced screen shots of his social media post, including all comments, which show that he posted the photo and the date it was posted. Notwithstanding, the parties disagree whether Coats has produced all of the sought contextual information and, therefore, disagree whether this discovery dispute is resolved.

5. Plaintiffs requested that this Court compel Defendant Wethington to produce a video posted to social media along with its contextual information. The video and contextual information have now been provided, so this discovery dispute is resolved.

Respectfully submitted,

/s/ Anthony E. Rothert
Anthony E. Rothert, #44827MO
Jessie Steffan, #64861MO
ACLU of Missouri Foundation
906 Olive Street, Suite 1130
St. Louis, MO 63101
Phone: 314-652-3114
arothert@aclu-mo.org

Gillian R. Wilcox, #61278MO
ACLU of Missouri Foundation
406 W. 34th Street, Suite 420
Kansas City, Missouri 64111
Phone: (816) 470-9938

gwilcox@aclu-mo.org
Attorneys for Plaintiffs

/s/ Andrew D. Wheaton
Andrew D. Wheaton #65269 MO
Associate City Counselor
Attorney for Defendants
City Hall, Room 314,
St. Louis, MO 63103
314.622.3361
FAX: 314.622.4956
wheatona@stlouis-mo.gov
Attorneys for Defendants